

Serial No. 10/015,837

issue after issuance of the above-referenced copending application and the rejection is maintained.

Claims 31 - 61 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being obvious over claims 32 - 63 in copending application Serial No. 10/015,838. It is Applicants' intention to submit a terminal disclaimer in compliance with 37 C.F.R. § 1.321(b) for the present application in the event the present application is likely to issue after issuance of the above-referenced copending application and the rejection is maintained.

Claims 100 - 102 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being obvious over claims 54 - 56 in copending application Serial No. 10/015,849. It is Applicants' intention to submit a terminal disclaimer in compliance with 37 C.F.R. § 1.321(b) for the present application in the event the present application is likely to issue after issuance of the above-referenced copending application and the rejection is maintained.

#### **B. Objection To The Drawings**

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference signs mentioned in the description:

27 – absorbent tissue product

145 – primary pattern

64 – circular primary pattern.

Applicants submit that the objection to the drawings should be withdrawn because Figure 15 has been amended to show the primary pattern 145 with the elevated transition region 62" as supported in the specification at page 43, line 29 to page 44, line 9 and Figures 17 has been amended to show the absorbent tissue product 27 as supported in the specification at page 12, line 19 to page 15, line 2. Circle-marked copies of the Figures 15 and 17 have been attached to this response.

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The drawings were objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "44a" and "44b" have both been used to designate the same upper warp in Figure 8. Applicants submit that the objection to the drawings should be withdrawn because Figure 8 has been corrected to show the proper location of "44b" as supported in the specification at page 20, line 31 to page 26, line 11. A circle-marked copy of Figure 8 has been attached to this response.

The drawings were objected to because Figure 9 failed to show the contrast between the white floats and the gray intermediate knuckles and shutes as described in the specification on page 27. Applicants submit that the objection to the drawings should be withdrawn because the original Figure 9 clearly shows the contrast between the white floats and the gray intermediate knuckles and shutes.

**C. Rejection Of Claims 31 - 61 and 111 - 159 Under 35 U.S.C. § 112**

Claims 31 - 61 and 111 - 159 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner stated that the claims pertain to a second embodiment whereby a first elevated strand in a first background region becomes a second elevated strand in a second background region rather than becoming a second depressed region, as described in the first embodiment. Similarly, the Examiner stated a first depressed region in the first background region becomes a second depressed region in the second background region rather than becoming a second elevated strand, as described in the first embodiment. The Examiner stated that some support for the claimed subject matter is given in the description of Figure 8. The Examiner also stated that the remaining disclosure and figures, except for Figure 8, pertain to first claimed embodiment. The Examiner stated that the woven fabric of the second claimed embodiment will have a different structure and appearance, and different depths in the transition regions than the woven fabric of the first claimed embodiment. The Examiner also stated that the tissue product of the second embodiment will have a different texture than the tissue of the first embodiment.

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Applicants point to other figures as further supporting the Claims 31 - 61 and 111 - 159 such that one skilled in the art would readily understand the woven structure. Applicants' have attached marked-up figures (Figures 1B and 9). The marked-up figure of Figure 9 shows an ellipse labeled "A" around a region of the fabric where a warp serving as a float passes beneath a single shute and then rises again to become a float, as does warp 44a in Figure 8. When the warp passes beneath a single strand, the adjacent warps are serving as floats, similarly as shown in Figure 8 (though the adjacent warp 44b in Figure 8 passes over a single shute at that point). Applicants point out that in the circled regions, significant portions of the transition regions correspond to Claims 31 and 111, with warps that are floats to the left of the transition region becoming floats again to the right of the transition region. These floats are next to sinkers that become sinkers again after passing through the transition region.

In the marked-up figure of Figure 1B, Applicants point out a similar event shown in the vertexes of the transition regions forming diamond-like patterns. Four large circles have been drawn around these vertex regions, and a smaller ellipse labeled as "B" has also been drawn around one of these vertex regions. In each of these regions, there are a series of features similar to that of Figure 8, with floats momentarily sinking beneath a single shute, adjacent to sinkers that momentarily rising next to the place where the floats descend. A difference relative to Figure 8 is that when the elevated warps (such as floats) descend under a single shute, the adjacent warps serving as sinkers rise to pass over two or three shutes instead of a single shute as in Figure 8. However, Claim 31 and 111 does not require that the transition region extend for only a single shute.

In view of the foregoing remarks, Applicants believe the rejection should be withdrawn.

**D. Rejection Of Claims 11, 30, 41, 61, 79, 103, 128, and 152 Under 35 U.S.C. § 112**

Claims 11, 30, 41, 61, 79, 103, 128, and 152 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The Examiner stated that Claims 11, 41, 79, and 128 include the phrase "wherein the transition region is filled" is undefined. The Examiner stated that it was uncertain what is meant by "filled". A definition of "filled" is provided on page 9, beginning at line 22:

As used herein, a "filled" transition region is defined as a transition region where the space between the floats in the transition region is partially or completely filled with material, raising the height in the transition area. The filling material may be porous. The filling material may be any of the materials discussed hereinafter for use in the construction of fabrics. The filling material may be substantially deformable, as measured by High Pressure Compressive Compliance (defined hereinafter).

The Examiner stated that Claims 30, 61, 103, and 152 include the phrase "non-macroscopically monoplanar" which is undefined. The Examiner stated that it is uncertain what feature of the fabric structure is considered to be non-macroscopically monoplanar. Applicants point out that the term "macroscopically monoplanar" is a term commonly used in the art referring to papermaking fabrics having elevated regions at a uniform height suitable for imprinting operations, in which a tissue web on an imprinting fabric is pressed by a roll against a Yankee dryer to impart a pattern of densified regions. Such an imprinting process uses a fabric with raised elements at uniform height in order for the imprinting nip to function properly. Thus, the imprinting papermaking fabric generally has a pattern of elevated regions at substantially the same height for this operation. Since the most elevated regions lie in a single plane across the fabric at a macroscopic scale, the term "macroscopically monoplanar" is commonly applied in describing the imprinting papermaking fabric. When a papermaking fabric is not macroscopically monoplanar, most of the elevated regions defining the pattern of the papermaking fabric may lie at an arbitrary variety of heights. See also U.S. Patent No. 4,529,480 issued on July 16, 1985, incorporated by reference in the present application.

In view of the foregoing remarks, Applicants believe the rejections should be withdrawn.

**E. Allowable Subject Matter**

Claims 62 - 78, 80 - 99, and 104 - 110 were indicated to be allowable.

The Examiner stated that the prior art does not disclose a method of making a tissue product by depositing papermaking fibers onto a woven fabric having elevated floats and

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depressed sinkers, whereby at a transition region in the fabric, a first elevated float in a first background region becomes a second depressed sinker in a second background regions and a first depressed sinker in the first background region becomes a second elevated float in the second background region, and whereby the elevated floats and depressed sinkers run parallel in an alternating fashion so that the floats are positioned between adjacent sinkers and the sinkers are positioned between adjacent floats.

The Examiner stated that with regards to Claims 1 - 30, the prior art does not disclose or suggest the claimed woven sculpted fabric, or with regards to Claims 100 - 102, the prior art does not disclose or suggest a tissue product made using the claimed fabric. The claimed fabric imparts a surface structure and texture that distinguishes the claimed tissue from prior art tissues, while also providing a tissue with uniform density instead of a tissue with compacted regions.

#### **F. Conclusion**

The application now contains Claims 1 - 159 which are believed to be in condition for allowance. Applicants would like to thank the Examiner for the careful attention paid to the present application. Early allowance of the claims in view of the above remarks is earnestly requested.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

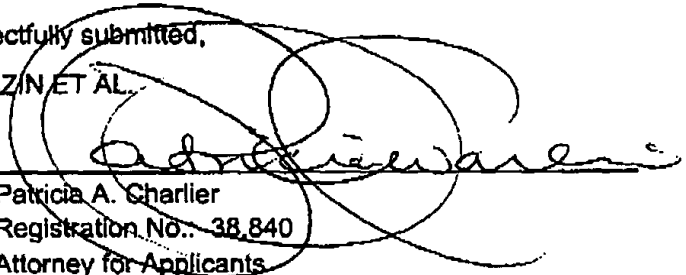
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The undersigned may be reached at: (920) 721-7671.

Respectfully submitted,

BURAZIN ET AL.

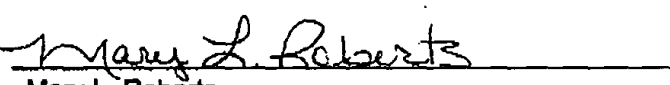
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CERTIFICATE OF FACSIMILE TRANSMISSION

I, Mary L. Roberts, hereby certify that on February 27, 2003 this document is being sent by facsimile transmission to the Assistant Commissioner for Patents, Washington, D.C. via RightFax number (703) 872-9310.

By:

  
Mary L. Roberts

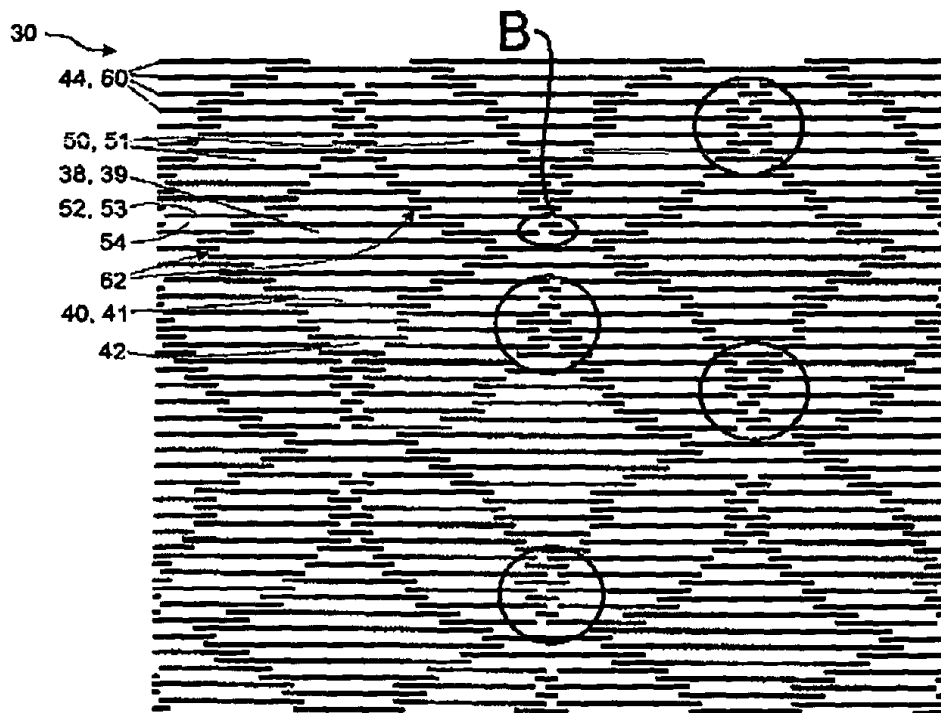


FIGURE 1B (Marked)  
-up

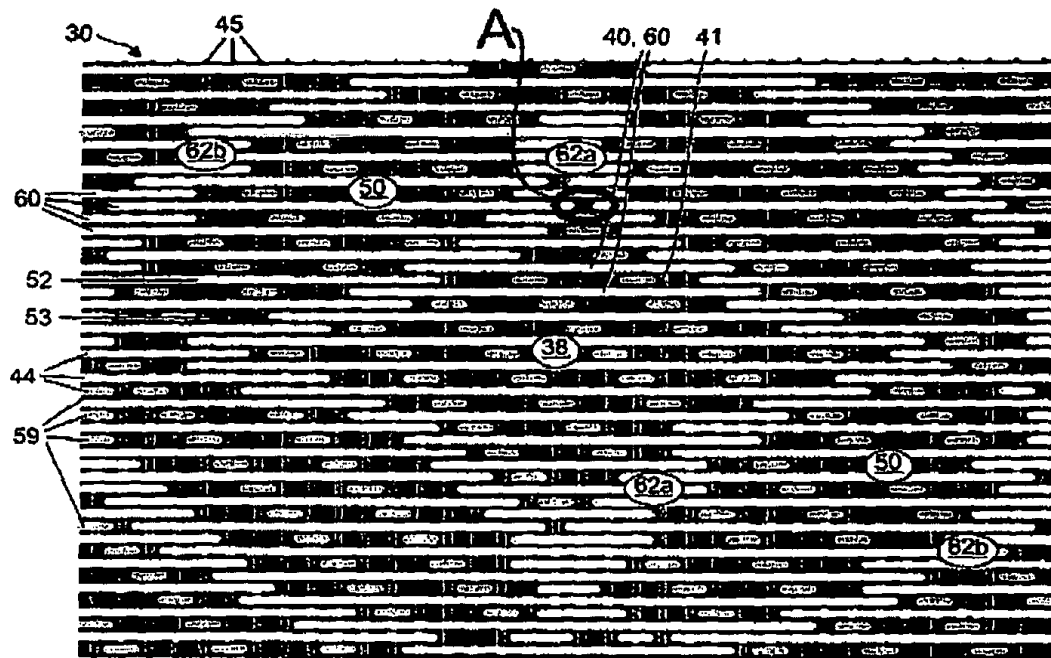
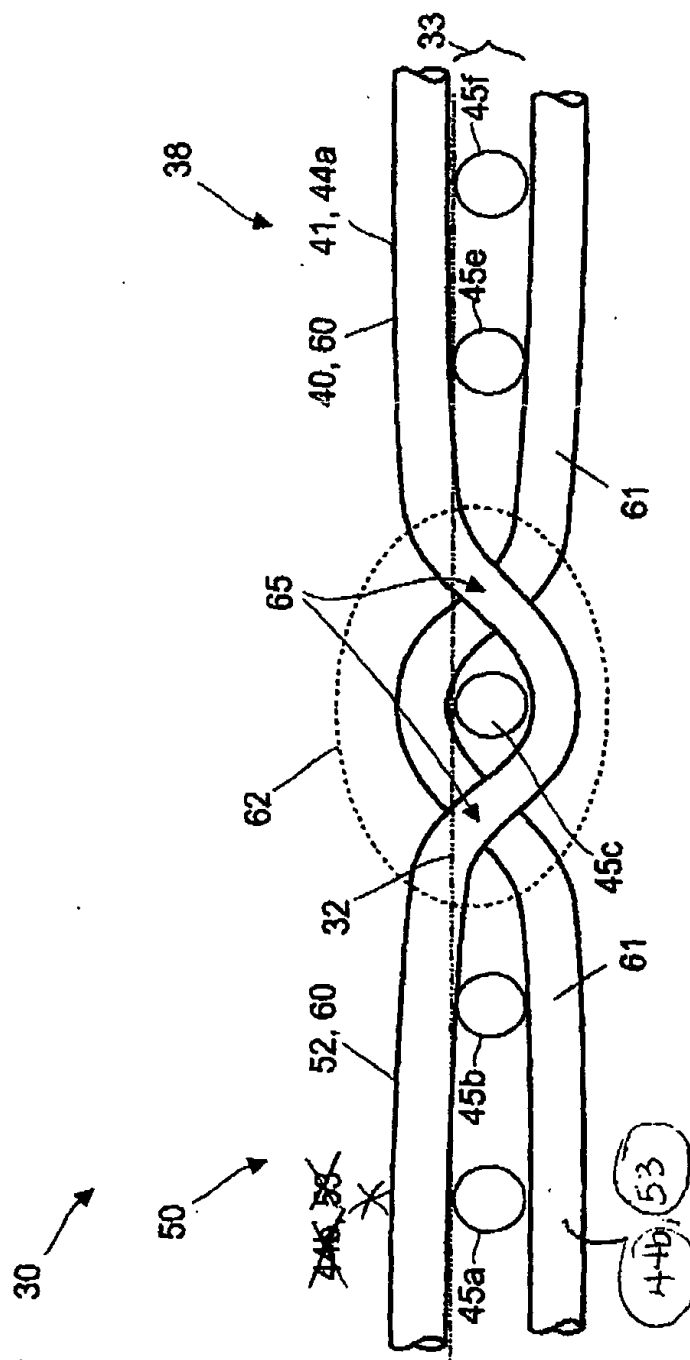
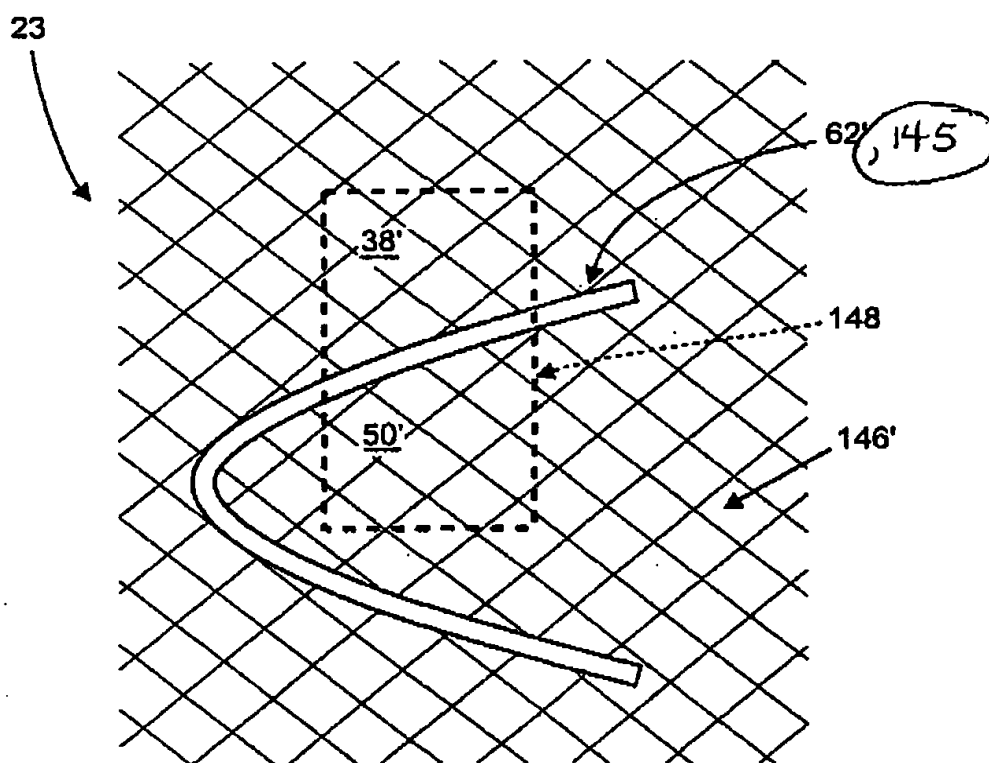


FIGURE 9 (Marked-up)



**Marked-Up Figures 8, 15 & 17**

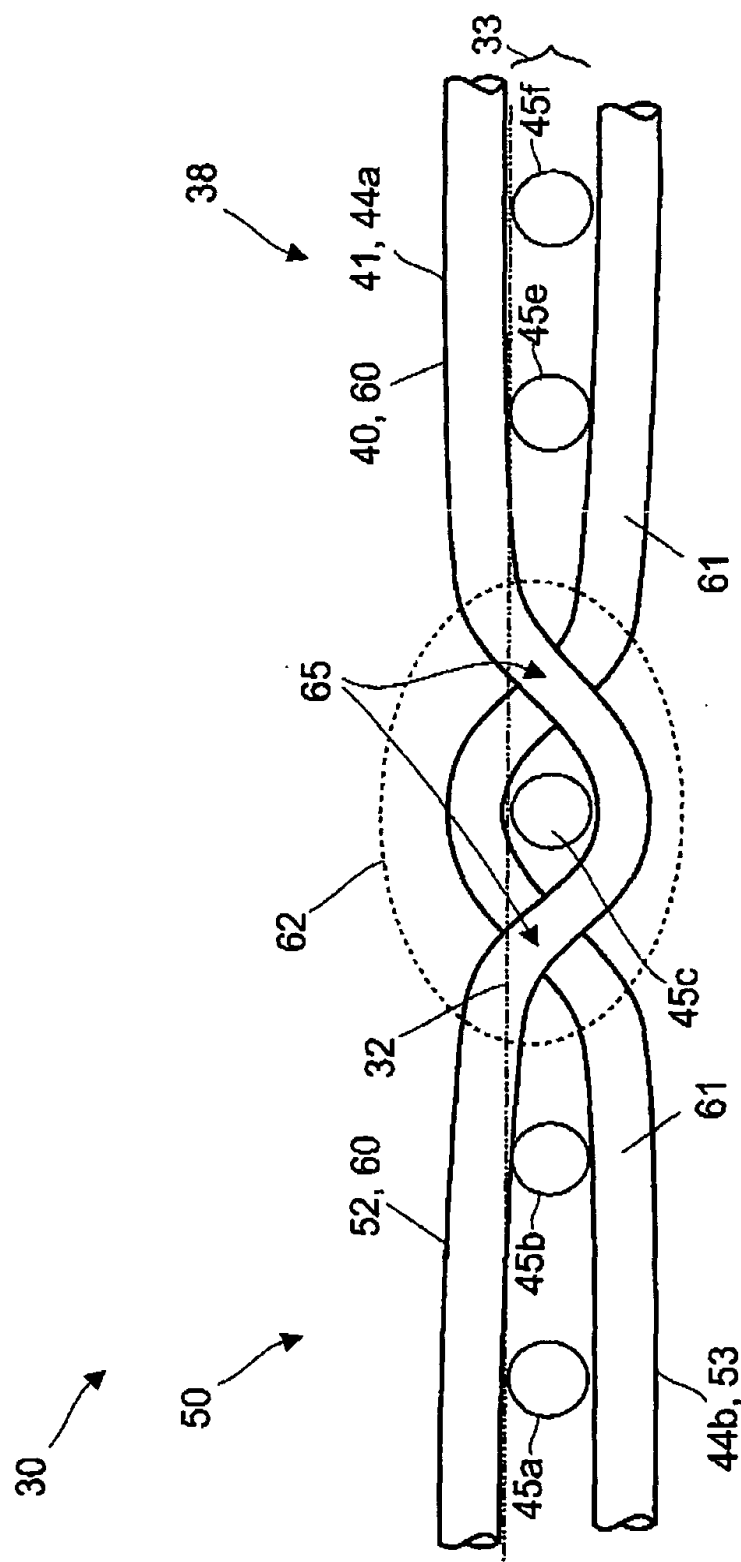
**FIGURE 8**

**FIGURE 15**



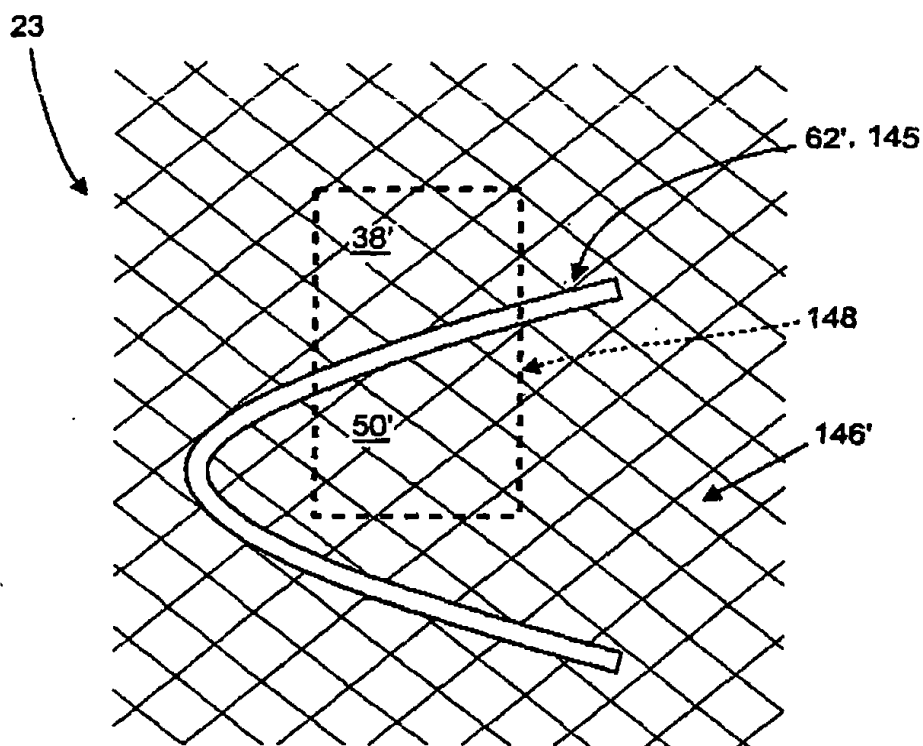
**New Figures 8, 15 & 17  
Incorporating Changes Made**

FIG. 8 is a plan view of the fabric of FIG. 7, showing the fabric having visually discernable background texture regions bordered by curvilinear decorative elements and method thereof.  
Inventors: M.A. Burazin et al.



**FIGURE 8**

Title: Fabric For Use In The Manufacture Of Tissue Products  
Having Visually Discernable Background Texture Regions  
Bordered By Curvilinear Decorative Elements & Method Thereof  
Inventors: M.A. Burazin et al.



**FIGURE 15**

Having Visually Discernable Background Texture Regions  
Bordered By Curvilinear Decorative Elements & Method Thereof  
Inventors: M.A. Burazin et al.

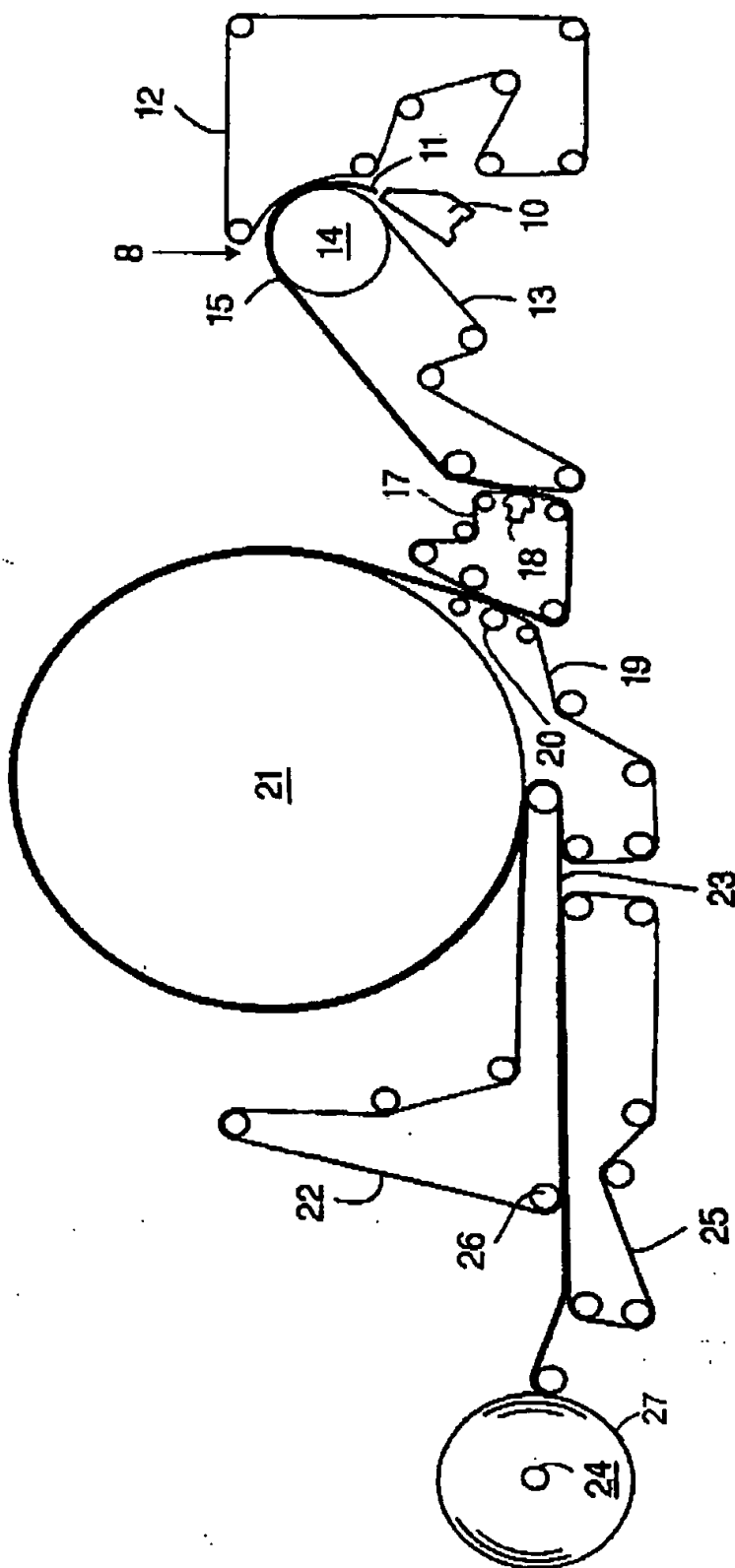


FIGURE 17